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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK (BROOKLYN)

UNITED STATES OF AMERICA,

Plaintiff,

v.

AURELIEN MICHEL,

Defendant.

Case No. 1:23-mj-00007-JRC-1

Brooklyn, New York

July 11, 2023

3:00 p.m.

TRANSCRIPT REGARDING ORDER OF EXCLUDABLE DELAY HEARING  
BEFORE THE HONORABLE CHERYL L. POLLAK  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff:

Dylan Stern, Esq.  
U.S. Attorney's Office  
271 Cadman Plaza East  
Brooklyn, NY 11201

For the Defendant:

Adam K. Brody, Esq.  
Mintz & Gold, LLP  
600 Third Avenue  
25th Floor  
New York, NY 10016

Also Appearing:

Marjorie St. Jean  
Interpreter, French

Clerk:

M.S.

Court Recorder:

Electronic Sound Recording

Transcription Service:

Chris Hwang  
Abba Reporting  
PO Box 223282  
Chantilly, Virginia 20153  
(518) 302-6772

Proceedings recorded by electronic sound recording;  
transcript produced by transcription service.

1 (Call to order at 3:00 p.m.)

2 THE CLERK: -- a criminal cause for an order  
3 excludable delay. It's 23-MJ-7, United States v. Aurelien  
4 Michel.

5 Counsel, state your appearances, please, starting  
6 with the Government?

7 MR. STERN: Good afternoon, Your Honor, Dylan Stern  
8 for the Government.

9 THE COURT: Good afternoon.

10 MR. BRODY: Good afternoon, Your Honor, Adam Brody,  
11 B-R-O-D-Y, from the law firm of Mintz & Gold, LLP for the  
12 Defendant Aureline Michel.

13 THE COURT: All right, good afternoon.

14 THE CLERK: We have a French interpreter present. I  
15 need to swear you in.

16 THE INTERPRETER: Yes, my name -- oh, sorry.

17 THE CLERK: That's okay.

18 (The Interpreter is sworn)

19 THE CLERK: And state your name for the record?

20 THE INTERPRETER: Marjorie St. Jean.

21 THE CLERK: Thank you.

22 THE INTERPRETER: Okay.

23 THE COURT: All right, good afternoon, Mr. is it  
24 Michel [MIT/CHEL] or Michel [MY/KEL]?

25 THE DEFENDANT: Michel [MEE/SHEL].

1 THE COURT: Michel [ME/SHEL]. We are using the  
2 services of an interpreter to assist you in understanding these  
3 proceedings.

4 If at any point something is said that you don't  
5 understand, please let me know, okay? Yes?

6 THE DEFENDANT: (Through interpreter) Yes.

7 THE COURT: Okay. So what are we here for this  
8 afternoon?

9 MR. STERN: Your Honor, the Government moves and it's  
10 our understanding with the Defendant's consent for an order of  
11 excludable delay, excluding time from today until September  
12 11th, 2023 or for approximately 60 days.

13 The parties are engaged in plea negotiations and  
14 we've made substantial progress.

15 THE INTERPRETER: I'm sorry, could you repeat that  
16 last?

17 MR. STERN: Sure, I said the parties are engaged in  
18 plea negotiations and have made substantial progress. And  
19 we've also produced some pre-indictment discovery.

20 So we would request that time be excluded until  
21 September 11th to allow those negotiations to continue and  
22 potentially resolve this case short of trial.

23 THE INTERPRETER: What was the date again, I'm sorry?

24 MR. STERN: September 11th, '23.

25 THE INTERPRETER: Sorry.

1           THE COURT: Counsel, have you discussed excluding  
2 time with your client?

3           MR. BRODY: Yes, we have, Your Honor. And for the  
4 record, I believe this is certainly not the first. We've  
5 encountered the situation before and this is at least the 4th  
6 or 5th time that this has been explained to my client.

7           THE COURT: Does he understand some English?

8           THE INTERPRETER: Yes, he understood some.

9           MR. BRODY: He does, Your Honor.

10          THE INTERPRETER: I asked him if he understood. He  
11 said --

12          THE COURT: Okay, all right. So I understand this  
13 has been explained to you before, but I'm required to explain  
14 it again.

15          So under the Constitution and the laws of the United  
16 States, you are entitled to a speedy and public trial  
17 commencing within 70 days of the filing of what is called an  
18 indictment.

19          An indictment is a formal charge brought by the grand  
20 jury. And as part of your right to a speedy trial, you have  
21 the right to have your case presented to the grand jury within  
22 30 days of your arrest.

23          And if the Government fails to do that, that could  
24 later be the basis for you to move to dismiss the charges.

25          What the Government is asking me to do, and your

1 attorney agrees, is to exclude or not count the time from today  
2 until September 11th because during this time, the Government's  
3 going to be providing your attorney with evidence about your  
4 case.

5 THE INTERPRETER: Excuse me, I'm sorry. Will be  
6 providing the attorney with?

7 THE COURT: Evidence about the case and discussing a  
8 possible plea with you. Do you understand all of that?

9 THE DEFENDANT: Yes.

10 THE COURT: Okay. Do you wish me to enter this order  
11 of excludable delay while these discussions go forward?

12 THE DEFENDANT: Yes.

13 THE COURT: All right, and I don't know if you can  
14 see that. Is that your signature, sir?

15 THE DEFENDANT: Yes.

16 THE COURT: I'm going to enter the order of  
17 excludable delay, finding it is in the best interest of both  
18 the public and the Defendant while there's an exchange of  
19 evidence and plea negotiations continue.

20 Anything else today?

21 MR. STERN: Nothing more from the Government. Thank  
22 you, Judge.

23 THE COURT: All right, thank you.

24 MR. BRODY: Not from the Defendant. Thank you, Your  
25 Honor.

1 THE CLERK: I'll put on the record that we'll have  
2 another status conference on 9/11 at 2023 at 11:00 a.m. before  
3 the duty magistrate if we need to exclude time again, okay?

4 MR. BRODY: That's fine. Thank you.

5 THE CLERK: Thank you.

6 THE COURT: All right, thank you.

7 (Proceedings concluded at 3:06 p.m.)  
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**CERTIFICATE**

I, Chris Hwang, court approved transcriber, certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

21

July 18, 2023

Chris Hwang

Date

Court Reporter